

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE, AT KNOXVILLE**

UNITED STATES OF AMERICA)
 Plaintiff,)
V.)
) **NO. 3:10-CR-73**
DARREN HUFF)
 Defendant.)
)

MOTION TO MODIFY DEFENDANT'S CONDITIONS OF PRETRIAL RELEASE

The defendant, Darren Huff, by and through counsel, moves the Court to modify the terms of his pretrial release to remove the condition of house arrest and electronic monitoring, and clarify that he be permitted to appear in Monroe County, Tennessee, for court related purposes.

In support of the Motion, counsel would show the following.

1) Mr. Huff was brought before the Court for an initial appearance on a criminal complaint on May 3, 2010. He was released on conditions which included home detention and radio frequency monitoring. He was permitted to continue to reside at his home in Dallas, Georgia, and has been supervised by Senior Probation officer Donna Andrews in the United States Probation Office in Marietta, Georgia since that time.

2) Mr. Huff was indicted on May 25, 2010; a summons was issued and he appeared in this Court as ordered for his arraignment on June 11, 2010. He has also appeared in Knoxville, Tennessee, to meet with counsel as requested.

3) Mr. Huff was recently indicted in Monroe County, Tennessee, on related states charges, and was arrested on those charges while in the court room at the time of his arraignment. He was transported to Madisonville, Tennessee, granted bond and

released. He has since returned to Madisonville, Tennessee for arraignment as ordered by that Court.

4) Mr. Huff has kept all terms of his conditional release. He to Probation as required. He has refrained from associating with certain individuals related to his charges and, except for required court appearances, remained in Georgia as ordered. He obtained a "land line" for the sole purpose of complying with the monitoring condition. He stayed at the U. S. Probation office in Marietta for an entire afternoon on May 4, 2010, to allay any concerns by the U. S. Attorney's office that he might appear in Monroe County, Tennessee for the court hearing of Mr. Walter Fitzpatrick.

5) Another condition of release requires that Mr. Huff maintain or actively seek employment. Mr. Huff has many years experience working in landscaping and outdoor lighting, but recently lost his business due to the downturn of the economy and the resultant lack of work. Although he has found part time work over the past weeks, he has been unable to find more permanent and full time employment in part because of the need to wear the electronic monitoring device. Mr. Huff cannot wear work boots which are required for this type of work due to the presence of the monitoring device on his ankle. His inability to wear the appropriate protective wear has limited the jobs that he can apply for and perform and may have cost him at least one good job.

6) Mr. Huff has shown that he is not a risk of flight by returning to Court and remaining at his home in Georgia as ordered. He has shown that he does not present a danger to the community by obeying all terms and conditions of release, in particular those which require him to stay away from places and individuals involved in the underlying behavior that led to his current charges. The radio frequency monitoring

does nothing to address either of these concerns that is not adequately addressed by the other terms of release, and it impairs his ability to work and support himself and his family while awaiting trial.

WHEREFORE, Mr. Huff respectfully requests that the conditions of pretrial release be modified to remove the requirements of house arrest and electronic monitoring. In addition, he requests that the Court clarify that he be allowed to be present in Monroe County, Tennessee, for the purpose of appearing in court or consulting with an attorney in view of the fact that he is now indicted in that county.

Respectfully submitted, this 6th day of July, 2010.

FEDERAL DEFENDER SERVICES OF
EASTERN TENNESSEE, INC.

By: s/ Paula R. Voss
Paula R. Voss BPR No. 7148
Asst. Federal Community Defender
800 S. Gay Street, Suite 2400
Knoxville, TN 37929
(865) 637-7979

COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2010, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/Paula R. Voss
Paula R. Voss